THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :10374 of 2007

DATED:05-06-2007

BETWEEN:

K.Bhaskar Rao & 2 others.

..... PETITIONERS

AND

The Commissioner of Police,
Cyberabad,
Lakdikapool,
Hyderabad & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 1st respondent in not taking action on the notice, dated 05-05-2007, got issued by the petitioners and further action of the 2nd respondent in interfering with their possession over plot Nos.33 & 35 admeasuring
600 sq.yards; plot No.29 admeasuring 266 sq.yards; and plot No.31 admeasuring 300 sq.yards situated at Nizampet, Medchal, Rangareddy District, as illegal and arbitrary.

3. 2nd respondent filed a counter stating that on receipt of the notice, dated 05-05-2007, from the learned counsel for the petitioners, the 1st respondent-Commissioner of Police instructed the Assistant Commissioner of Police to conduct enquiry into the allegations made in the said notice and submit a detailed report, and accordingly a detailed enquiry into the said allegations was conducted by the Assistant Commissioner of Police, Balanagar and a report was submitted to the 1st respondent on 06-05-2007 which reveals that civil suits are pending against the petitioners as well as Dr.Kadiyala Rajender, P.Manju, and Laxman Goud

regarding the rights over the disputed site in plot Nos.29,31,33 and 35 situated at Nizampet village, Medchal, Rangareddy District. It is stated that police never asked the petitioners to vacate the land nor there was any threat as alleged by the petitioners. In the report it is stated that the 2nd respondent was requested to conduct survey to dissolve the dispute and to avoid the law and order problem.

4. I am of the opinion that it is not the duty of the police to conduct a survey and interfere with the civil dispute as it is for the civil Court or the revenue authority to settle the said civil dispute. Insofar as the other allegation that the 2nd respondent visited the premises of the petitioners on

08-05-2007 and directed them to vacate the houses is denied. It is stated that no cases are registered against any of the petitioners and the police never interfered with their possession and enjoyment.

5. Having regard to the facts and circumstances of the case, the 2nd respondent is directed not to interfere with the civil dispute of the petitioners.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

05th June, 2007.

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